

### **III. Remarks**

#### **A. Status of the Application**

Applicant appreciates and acknowledges the allowability of claims 19-21, 29, 32, and 35. Claims 1, 9, 17, and 18, have been amended. Claim 2 has been canceled. Accordingly, the pending claims are 1, and 3-35. No new matter has been added by the amendments herein. Reconsideration of this application in light of the above amendments and the following remarks is respectfully requested.

#### **B. Rejection under 102(b) over U.S. 5,002,130 to Laky**

Claims 1-5, 8-18, 22-28, 30, 31, and 34 are rejected under 35 U.S.C. 102(b) over U.S. Patent No. 5,002,130 to Laky ("Laky"). To the extent the rejection applies to the amended claims, Applicant respectfully traverses the rejection.

Claim 1 recites the limitations of holding tubing in a stationary position, shearing the tubing into a first section and a second section, and moving the first section of tubing away from the section second section of tubing.

Laky does not teach or suggest the desirability of moving the first section of tubing away from the section second section of tubing, as recited in independent claim 1. In the Office Action, the Examiner stated that Laky discloses, "means for moving tubing sections away from each other (actuator 26)." Numeral 26 in Laky refers to the guide. Guide 26 is positioned above shears 25 as shown in figure 3. "The guide functions to protect the tubing against sharp bends at the top of the assembly and assists in centering the tubing in the shear." (Laky, column 3, lines 20-23). Laky does not teach or suggest that guide 26 acts as an actuator, or that it moves tubing sections away from each other.

Claim 9 recites the limitations of means for holding tubing in a stationary position, means for shearing the tubing into a first section and a second section, and means for releasing pressurized fluidic materials from at least one of the first section of tubing and the second section of tubing.

Laky does not teach or suggest the desirability of releasing pressurized fluidic materials from a section of tubing, as recited in independent claim 9. In the Office Action, the Examiner stated that Laky discloses, "means for releasing pressurized fluids 24." Numeral 24 in Laky refers to the upper ported stripper. Upper ported stripper 24 is positioned above enclosure 23 and below shears 25 as shown in figure 1. "Above the injector enclosure is an upper ported

stripper 24 for disposing of any leakage from the top of the enclosure about the tubing." (Laky, column 2, lines 65-67). Upper ported stripper 24 disposes of leakage within the enclosure 23, Laky does not teach or suggest that upper ported stripper 24 releases pressure from within the tubing.

Claim 17 recites the limitation of an actuator device for moving the first section of tubing away from the section second section of tubing. As discussed above regarding claim 1, Laky does not teach or suggest the desirability of an actuator device for moving a first section of tubing away from a second section of tubing.

Claim 27 recites the limitation of moving the first section of tubing away from the section second section of tubing. As discussed above regarding claims 1 and 17, Laky does not teach or suggest the desirability of moving a first section of tubing away from a second section of tubing.

Claim 28 recites the limitation of a means for moving the first section of tubing away from the section second section of tubing. As discussed above regarding claims 1, 17 and 27, Laky does not teach or suggest the desirability of a means for moving a first section of tubing away from a second section of tubing.

Claim 30 recites the limitations of shearing and crimping the tubing into a first section, a second section, and a third section, and floating the third section of tubing upon the surface of a body of water.

Laky does not teach or suggest the desirability of shearing and crimping the tubing into a first section, a second section, and a third section, and floating the third section of tubing upon the surface of a body of water, as recited in independent claim 30. In the Office Action, the Examiner stated that Laky discloses, "means for shearing tubing at a plurality of locations (shearing means/device 25 is not limited to cutting only one portion of the tubing) ... and a means for floating (floating device 73)."

Shears 25 are not limited to cutting only one portion of the tubing, but Laky does not teach or suggest shearing and crimping the tubing into a first section, a second section, and a third section. Laky only teaches shearing and crimping into a first section and a second section, as shown in figure 15.

Floating device 73 is a float switch used to maintain a level of seawater in the enclosure below the injector. (Laky, column 4, lines 8-33). Floating device 73 is not suggested to be used for floating a section of tubing on a body of water.

do not  
release press.

Claim 31 recites the limitations of means for shearing and crimping the tubing into a first section, a second section, and a third section, and means for floating the third section of tubing upon the surface of a body of water.

As discussed above regarding claim 30, Laky does not teach or suggest the desirability of means for shearing and crimping the tubing into a first section, a second section, and a third section, and means for floating the third section of tubing upon the surface of a body of water, as recited in independent claim 31.

Claim 34 recites the limitations of means for shearing and crimping the tubing into a first section, a second section, and a third section, and means for moving the first section of tubing away from the third section of tubing.

As discussed above regarding claims 30 and 31, Laky does not teach or suggest the desirability of means for shearing and crimping the tubing into a first section, a second section, and a third section, as recited in independent claim 34. As discussed above regarding claims 1, 17, 27 and 28, Laky does not teach or suggest the desirability of means for moving the first section of tubing away from the third section of tubing, as recited in independent claim 34.

Dependent claims 2-5, 8, 10-16, 18, and 22-26 are allowable for at least the same reasons as their respective independent claims discussed above. Applicant respectfully requests that the Examiner withdraw the rejection to claims 1-5, 8-18, 22-28, 30, 31, and 34.

C. Rejection under 102(b) over U.S. 5,727,640 to Gleditsch

Claims 1-6, 9-14, 17, 18, 22-24, 27, 28, 33, and 34 are rejected under 35 U.S.C. 102(b) over U.S. Patent No. 5,727,640 to Gleditsch ("Gleditsch"). To the extent the rejection applies to the amended claims, Applicant respectfully traverses the rejection.

Claim 1 recites the limitations of holding tubing in a stationary position, shearing the tubing into a first section and a second section, and moving the first section of tubing away from the section second section of tubing.

Gleditsch does not teach or suggest the desirability of moving the first section of tubing away from the section second section of tubing, as recited in independent claim 1. In the Office Action, the Examiner stated that Gleditsch discloses, "means for moving tubing sections away from each other (actuator 2)." Reference numeral 2 in Gleditsch is only shown in figure one, and is not referred to in the specification anywhere else. There is no teaching or suggestion that reference 2 is an actuator, or that it acts to move a first section of tubing away from a second section of tubing.

Claim 9 recites the limitations of means for holding tubing in a stationary position, means for shearing the tubing into a first section and a second section, and means for releasing pressurized fluidic materials from at least one of the first section of tubing and the second section of tubing.

Gleditsch does not teach or suggest the desirability of releasing pressurized fluidic materials from a section of tubing, as recited in independent claim 9. In the Office Action, the Examiner stated that Gleditsch discloses, "means for releasing pressurized fluids 13." Numeral 13 in Gleditsch refers to the environment valve. Environment valve 13 is positioned above the quick connection 14 and below the weak link 12, as shown in figure 1. "... mounted an environment valve 13. The purpose of this is to secure that pollutions from the contents of the high-pressure riser pipe 10 will not leak into the ocean during a quick disconnection. The valve 13 is so designed that it automatically shuts off the annulus between the cut pipe and the inner diameter of the riser pipe during an emergency disconnection." (Gleditsch, column 4, lines 35-42). Environment valve 13 seals the annulus between the cut pipe and the riser pipe, Gleditsch does not teach or suggest that environment valve 13 releases pressure from within the tubing.

Claim 17 recites the limitation of an actuator device for moving the first section of tubing away from the section second section of tubing. As discussed above regarding claim 1, Gleditsch does not teach or suggest the desirability of an actuator device for moving a first section of tubing away from a second section of tubing.

Claim 27 recites the limitation of moving the first section of tubing away from the section second section of tubing. As discussed above regarding claims 1 and 17, Gleditsch does not teach or suggest the desirability of moving a first section of tubing away from a second section of tubing.

Claim 28 recites the limitation of a means for moving the first section of tubing away from the section second section of tubing. As discussed above regarding claims 1, 17 and 27, Gleditsch does not teach or suggest the desirability of a means for moving a first section of tubing away from a second section of tubing.

Claim 33 recites the limitations of shearing the tubing into a first section, a second section, and a third section, and moving the first section of tubing away from the third section of tubing. As discussed above regarding claims 1, 17, 27 and 28, Gleditsch does not teach or suggest the desirability of moving a first section of tubing away from a third section of tubing.

Claim 34 recites the limitations of means for moving the first section of tubing away from the third section of tubing. As discussed above regarding claims 1, 17, 27, 28 and 33, Gleditsch

does not teach or suggest the desirability of means for moving the first section of tubing away from the third section of tubing, as recited in independent claim 34.

Dependent claims 2-5, 10-14, 18, and 22-24 are allowable for at least the same reasons as their respective independent claims discussed above. Applicant respectfully requests that the Examiner withdraw the rejection to claims 1-6, 9-14, 17, 18, 22-24, 27, 28, 33, and 34.

D. Rejection under 103(a) over Gleditsch in view of Laky

Claims 7, 15, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gleditsch in view of Laky. The extent the rejection applies to the amended claims, Applicant respectfully traverses the rejection.

Dependent claim 7 depends from allowable independent claim 1. As discussed above, neither Gleditsch nor Laky, alone or in combination, teach or suggest the desirability of moving the first section of tubing away from the second section of tubing as recited in independent claim 1 and dependent claim 7.

Dependent claim 15 depends from allowable independent claim 9. As discussed above, neither Gleditsch nor Laky, alone or in combination, teach or suggest the desirability of a means for releasing pressurized fluidic materials from the first section or the second section of tubing as recited in independent claim 9 and dependent claim 15.

Dependent claim 25 depends from allowable independent claim 17. As discussed above, neither Gleditsch nor Laky, alone or in combination, teach or suggest the desirability of an actuator device for moving the first section of tubing away from the second section of tubing as recited in independent claim 17 and dependent claim 25.

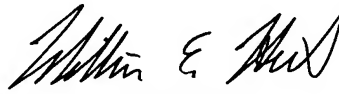
Applicant respectfully requests that the Examiner withdraw the rejection to claims 7, 15, and 25.

E. Conclusion

In view of the foregoing, Applicant respectfully submits that all pending claims are allowable, and respectfully requests a notice of allowance for claims 1 and 3-35. If the Examiner believes an interview would be helpful in moving the application forward to allowance, or has any questions, the Examiner is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,

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William E. Hickman  
Registration No. 46,771

HAYNES AND BOONE, LLP  
1000 Louisiana, Suite 4300  
Houston, Texas 77002  
Telephone: 713-547-2040  
Facsimile: 713-236-5456

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